

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 29, 2003

D040143 In re the Marriage of Sellahewa

The judgment is reversed and the matter remanded for further proceedings. Cost to Mother on appeal.
Haller, J.; We Concur: Nares, Acting P.J., Aaron, J.

D042054 Abatti v. Superior Court of San Diego County/People et al.

The petition for rehearing is denied.

**D042708 Gwen R. et al. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

By failing to file a timely petition for writ relief, the notice of intent filed by Gwen R. is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 30, 2003

D040063 Gonzalez v. Gutierrez

We affirm the March 22, 2002 order finding Eduardo's petition for enforcement is not barred by the res judicata doctrine. We reverse the order of May 17, 2002, to the extent that the court found that Rosa's proposed conditions on Eduardo's visitation rights would necessarily constitute improper modifications of the underlying Mexican divorce decree. We remand for the court to consider whether any such conditions should be imposed and to consider the effect of any new circumstances, including the grant of asylum, on the enforcement of the registered decree. We vacate the attorney fees award, for a determination of which party, if any, meets the definition of a prevailing party in this matter. The parties to bear their own costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D041949 People v. Casillan

The judgment is affirmed. Casillan's motions are denied. Huffman, Acting P.J.;
We Concur: Nares, J., Haller, J.

D041480 Redante v. Yockelson et al.

The judgment is affirmed. The respondents are awarded costs on appeal. Huffman, Acting P.J.;
We Concur: Nares, J., McIntyre, J.

D040986 Bustos v. County of San Diego

The judgment is affirmed. The County is awarded its costs on appeal. McIntyre, J.;
We Concur: Huffman, Acting P.J., Aaron, J.

D040341 People v. Mann

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D041312 Campo v. Pfingst et al.

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

D039914 People v. Estrada

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D041690 Douglass et al. v. Apodaca et al.

Appellants have failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D042237 Camino Villas I Community Association v. Peters & Freedman LLP et al.

D042746 Camino Villas I Community Association v. Peters & Freedman LLP et al.

Appellant's motion to consolidate the above-entitled appeals is granted. All documents will be filed under D042237.

D042161 People v. Palmisano

Upon filing a written abandonment of appeal, the appeal is dismissed.

D041546 In re Krystal N. et al., Juveniles

The judgments are affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 30, 2003 (Continued)

D042766 San Diego Transit v. Workers' Compensation Appeals Board and Ague
The petition is denied.

D042474 Applied Micro Circuits Corp., v. Superior Court of San Diego/Cheng et al.
The petition is denied.

D038932 Pharmtech Laboratories v. Superior Court of San Diego County/Reinoza
At the request of petitioner, the petition for writ of mandate is dismissed.

D042942 Edenbaum v. Superior Court of San Diego County/Gober et al.
The petition is denied.

D042778 Stone v. Workers' Compensation Appeals Board and Regents of the University of California

The petition for review has been read and considered by Justices Benke, Haller and McConnell. Rule 57(a) of the California Rules of Court requires a person seeking review of an order, award or decision made by the Workers' Compensation Appeals Board (WCAB) to file a petition that fairly states all the material evidence relating to the point at issue. The petition must include, as exhibits, copies of the order, award or decision and the referee's findings and report on reconsideration. The petition must be served on the WCAB and each party who appeared in the proceeding. Petitioner has not complied with this rule. The petition is denied.

D042638 Elvira A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D042635 Juan C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 1, 2003

D040963 People v. Harbold

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D041834 In re M.C., a Juvenile

The orders are affirmed. Huffman, J.; We Concur: McConnell, P.J., Nares, J.

D042134 In re K.B., a Juvenile

The judgment is reversed and the matter remanded to the juvenile court further proceedings consistent with this opinion. McIntyre, J.; I Concur: Haller, J., I Concur in the Result: Huffman, Acting P.J.

D039866 SCJ, Inc., et al. v. Gort/Davis

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the recovery of costs and attorney's fees on appeal shall be provided for in the parties' settlement agreement and the remittitur is ordered to issue immediately (Cal Rules of Court, rule (c)(2)).

D042469 In re the Marriage of De la Cruz

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D042929 Eckerd Corporation v. Superior Court of San Diego County/Klein

The petition is denied.

D043001 Bidwell v. Superior Court of San Diego County/Bidwell

The petition is denied.

D042928 MacKenzie v. Superior Court of San Diego County/Mackenzie

The petition is denied.

D042240 In re Green on Habeas Corpus

Let a writ of habeas Corpus issue ordering Green's release from custody and the amendments of the abstract of judgment in San Diego Superior Court No. SCD 138520 to show 494 days presentence credit and of the abstract of judgment in San Diego Superior Court No. SCD 147498 to show 385 days presentence credit. The matter is remanded to the superior court to determine Green's presentence custody credit that remains in dispute.

D042207 People v. Green

The appeal is dismissed as moot in light of the disposition in In re Green on habeas corpus, D042240.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 2, 2003

D039976 Pines v. Killingsworth

The judgment is affirmed. Pines is entitled to costs on appeal. McIntyre, J.;
We Concur: Huffman, Acting P.J., Haller, J.

D042971 Cataulin v. Workers' Compensation Appeals Board et al.

The appeal is denied.

D042966 In re Ventittelli on Habeas Corpus

The request for judicial notice of the record in appeal D042270, People v. Ventittelli is granted. The petition for writ of habeas corpus, In re Ventittelli D042966, will be considered at the same time as the pending appeal, People v. Ventittelli D042270.

D042369 People v. Mason

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b). The appeal is dismissed.

D042168 In re Dylan L., a Juvenile

The court's judgment terminating Elizabeth's and Guillermo's parental rights is reversed and the court is directed to comply with the notice provisions of the ICWA. If after proper notice and inquiry, a tribe does not intervene, the judgment shall be reinstated. (See In re Jonathan D. (2001) 92 Cal.App.4th 105, 111-112.) Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 3, 2003

D042398 N. W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

N. W.'s petition is denied. Michael's petition is dismissed. Huffman, J.;
We Concur: Benke, Acting P.J., Haller, J.

D041185 People v. Jacobs

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Benke, J.

D039651 Mercury Books, Inc. v. G&B Emporia, Inc., et al.

The request for publication is denied.

D042745 Veldie D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Tammy C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Tammy C. is dismissed.

D038933 Pharmatech Laboratories, Inc. v. Superior Court of San Diego County/Reinoza

At the request of petitioner, the petition for writ of mandate is dismissed.

D040375 Hatton v. Schuler

Order affirmed. Hatton to recover her costs of appeal. Benke, Acting P.J.; I Concur: Aaron, J.,
I Concur in the Result: McIntyre, J.

D042993 Benham v. Superior Court of San Diego County/Office of the City Attorney of San Diego

The petition is denied.

D039664 People v. Dennison

The sentence is modified to strike one enhancement imposed under section 12022, subdivision (b)(1). (section 1260.) As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to forward a certified copy of the amended abstract to the Department of Corrections. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D039856 Faucetta v. Red Planet Ranch, Inc.

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

D038791 Ebert v. McAvoy

Upon written stipulation filed by the parties, the appeal is dismissed.

D042917 Berkly et al. v. Bank of America National Trust and Savings Association et al.

Appellant, Carmen Margala, having failed to timely request permission to appeal, and the due date to request permission to appeal having expired, the appeal filed with the Superior court on September 5, 2003 is dismissed, as to appellant Carmen Margala only.